


any factual basis relied upon. If filed, the appendix must include all affidavits, deposition transcripts, or other documents supporting the relied upon facts.”

Moreover, Local Rule CV-7(c)(2) states that the 20-page limit is “exclusive of the caption, signature block, any certificate, and any accompanying documents.”

Accordingly, the Appendix, which summarizes Defendants’ version of the facts does not violate Local Rule CV-7(c)(2), and, therefore, Plaintiffs’ Motion to Strike is **DENIED** (Dkt. # 83). See Simms v. City of San Antonio, Texas, No. 5:18-CV-00211-DAE, 2019 WL 7900484, at *4 (W.D. Tex. May 24, 2019) (overruling plaintiff’s motion to strike defendant’s summary of facts). Plaintiffs may, in turn, file their own Appendix to support their version of the facts in supplementation of their own motion **within fourteen days of this Order**.

IT IS SO ORDERED.

DATED: Austin, Texas, February 3, 2023.



David Alan Ezra
Senior United States District Judge